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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Petitioner and Respondent,

v.

ALBERTO MENDOZA,

Defendant and Appellant.

F077182

(Super. Ct. No. DF013079A)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Kern County. Robert S. Tafoya, Judge.

Lynette Gladd Moore, under appointment by the Court of Appeal, for Defendant and Appellant.

Office of the State Attorney General, Sacramento, California, for Plaintiff and Respondent.

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* Before Smith, Acting P.J., Meehan, J. and Snauffer, J.

Appellant Alberto Mendoza pled no contest to unauthorized possession of methamphetamine in prison (Pen. Code, § 4573.6/count 1)¹ and possession for sale of methamphetamine (Health & Saf. Code, § 11378/count 4) and he admitted a prior prison term enhancement (§ 667.5, subd. (b)) and allegations that he had a prior conviction within the meaning of the “Three Strikes” law (§ 667, subds. (b)-(i)). Following independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436, we affirm.

FACTUAL AND PROCEDURAL BACKGROUND

On December 5, 2016, while inmates at Wasco State Prison, Mendoza and codefendant Jose Toscano possessed methamphetamine and other drugs and possessed methamphetamine for sale.

On October 6, 2017, the Kern County District Attorney filed a complaint that charged Mendoza and Toscano with various drug-related charges. As pertinent here, the complaint charged Mendoza with possession of methamphetamine in prison (§ 4573.6/count 1), possession of heroin in prison (§4573.6/count 2), possession of marijuana in prison (§ 4573.6/count 3), possession for sale of methamphetamine (Health & Saf. Code, § 11378/count 4), two prior prison term enhancements and allegations that he had two prior convictions within the meaning of the Three Strikes law.

On January 11, 2018, Mendoza entered his plea as noted above in exchange for the dismissal of the remaining counts, a stipulated term of five years and the dismissal of the charges against Toscano.

On February 7, 2018, pursuant to his plea agreement, the court sentenced Mendoza to an aggregate five-year term—a doubled middle term of four years on his conviction in count 4, a stayed four-year term on count 1, and a one-year prior prison

¹ All further statutory references are to the Penal Code, unless otherwise indicated.

term enhancement—which it ran consecutive to the term Mendoza was already serving. The court also ordered Mendoza to pay various fines and fees, including a restitution fine of \$300 and a suspended parole revocation fine in the same amount.

On March 16, 2018, Mendoza filed a notice of appeal.

Mendoza’s appellate counsel has filed a brief that summarizes the facts, with citations to the record, raises no issues, and asks this court to independently review the record. (*People v. Wende, supra*, 25 Cal.3d 436.) Mendoza has not responded to this court’s invitation to submit additional briefing.

Following an independent review of the record, we find that no reasonably arguable factual or legal issues exist.

DISPOSITION

The judgment is affirmed.